

Introduced by Senator Florez

February 22, 2005

An act to amend Sections 44508 and 44515 of, and to add Section 44501.5 to, the Health and Safety Code, relating to pollution control.

LEGISLATIVE COUNSEL'S DIGEST

SB 931, as introduced, Florez. Pollution control authority: Confined Animal Facilities: Membership.

(1) Existing law authorizes the California Pollution Control Financing Authority to finance various pollution control projects to control and eliminate pollution hazards to the environment. Existing law defines the term "project" for purposes of this purpose, as any land, building, improvement thereto, work, property or structure, real or personal, providing or designed to provide for the control, reduction, abatement, elimination, remediation, or prevention of pollution, as specified.

This bill would exclude from the definition of the term "project" a confined animal facility, as defined, if domesticated animals are corralled, penned, or otherwise caused to remain in restricted areas of that facility for commercial agricultural purposes and the feeding of those animals by means other than grazing.

(2) Existing law provides that the members of the authority consist of the Director of Finance, the Treasurer, and the Controller.

This bill would additionally include, as members of the authority, the chairperson of the State Air Resources Board and the chairperson of the State Water Resources Control Board.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 44501.5 is added to the Health and Safety Code, to read:

44501.5. The Legislature finds and declares all of the following:

(a) Confined animal feeding facilities pose a significant threat to public health and the environment through their air and water discharges.

(b) Confined animal feeding facilities do not constitute a pollution control project that is eligible for financing pursuant to this division.

SEC. 2. Section 44508 of the Health and Safety Code is amended to read:

44508. (a) "Project" and "pollution control facility," respectively, mean any land, building, improvement thereto, work, property or structure, real or personal, providing or designed to provide for the control, reduction, abatement, elimination, remediation, or prevention of pollution, including, but not limited to, ~~hydrostatic~~ *any of the following*:

(1) *Hydrostatic* control facilities, dust collectors, smoke bags, settling ponds, filtration plants, sewage disposal facilities, garbage disposal facilities, recycling facilities, dumps, filling grounds, chlorination ponds, treatment works, water utility property, soil excavation and removal, construction, operation, and maintenance of systems that extract, contain, or treat groundwater, soil vapor, gas, or leachate, ~~and all~~.

(2) *All* other structures, systems, or facilities now or hereafter developed or useful in the control of pollution of any type or character, including any structure, equipment, or other facilities for the purpose of the *any of the following purposes*:

(A) *The* purchase, production, distribution, or sale of water, ~~or of reducing~~.

(B) *Reducing*, treating, neutralizing, or cooling the temperature of any liquid, gaseous, or solid or hazardous waste substance or discharge resulting from the process of manufacture, industry, or commerce, or from the development, processing, or recovery of any natural resource or the generation of electricity, steam heat, or manufactured gas, together with the recovery, treatment, neutralizing, stabilizing, or cooling equipment, facilities, plants,

1 or structures necessary to reduce, control, remediate, or eliminate
2 pollution, ~~and any~~.

3 (3) *Any* and all facilities ~~which~~ *that* may hereafter be
4 developed through science, study, and investigation to aid and
5 assist in the control of pollution or the removal or treatment of
6 any substance that might otherwise cause or contribute to
7 pollution, and including the use of renewable energy resource
8 devices or the development of an energy conservation program
9 where that action is designed to reduce onsite emissions or
10 pollutants.

11 (b) “Project” also means payment by a party for the party’s
12 share of the cost of remediation of pollution at a contaminated
13 site for which the party is a de minimis or de micromis
14 responsible party, and the party has been accorded that status in
15 an expedited final settlement or other settlement with the United
16 States Environmental Protection Agency, reached in accordance
17 with subsection (g) of Section 122 of the Comprehensive
18 Environmental Response, Compensation, and Liability Act of
19 1980 (42 U.S.C. Sec. 9601 et seq.) and the regulations and
20 guidance issued by the United States Environmental Protection
21 Agency pursuant to that act.

22 (c) *Notwithstanding subdivisions (a) and (b), “project” does*
23 *not include a confined animal facility, including, but not limited*
24 *to, any land, structure, building, installation, barn, corral, coop,*
25 *feed storage area, milking parlor, or system for the collection,*
26 *storage, treatment, and distribution of liquid and solid manure, if*
27 *domesticated animals, including, but not limited to, cattle, calves,*
28 *horses, sheep, goats, swine, rabbits, chickens, turkeys, or ducks,*
29 *are corralled, penned, or otherwise caused to remain in*
30 *restricted areas of that facility for commercial agricultural*
31 *purposes and the feeding of those animals is by means other than*
32 *grazing.*

33 SEC. 3. Section 44515 of the Health and Safety Code is
34 amended to read:

35 44515. There is in the state government the California
36 Pollution Control Financing Authority. The authority constitutes
37 a public instrumentality and a political subdivision of the State of
38 California, and the exercise by the authority of the powers
39 conferred by this division shall be deemed and held to be the
40 performance of an essential public function. The authority shall

1 consist of ~~three~~ *five* members: the Director of Finance, the State
2 Treasurer, ~~and the State Controller,~~ *the chairperson of the State*
3 *Air Resources Board, and the chairperson of the State Water*
4 *Resources Control Board.*

5 The Director of Finance, *the chairperson of the State Air*
6 *Resources Board, and the chairperson of the State Water*
7 *Resources Control Board* may designate a deputy ~~or clerk in his~~
8 ~~agency to act for him and to represent him~~ *that person* at all
9 meetings of the authority.

10 ~~The first meeting of the authority shall be convened by the~~
11 ~~Director of Finance.~~